

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

INVISIBLE FENCE, INC.,)	
)	
Plaintiff,)	
)	No. 3:09-CV-251
)	(VARLAN/GUYTON)
V.)	
)	
MARTIN NEOSEL, an individual d/b/a)	
ACORN MARKETING, INC., d/b/a)	
ACORN PETCO, and)	
ACORN MARKETING, INC., d/b/a)	
ACORN PETCO,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the order of the District Judge [Doc. 25] referring Plaintiff's Motion for Order to Show Cause [Doc. 23] to the undersigned for disposition or report and recommendation as may be appropriate. In the Motion for Order to Show Cause, the Plaintiff moves the Court to order the Defendants to show cause why they should not be held in contempt for willfully violating the Court's Default Order [Doc. 15], entered January 13, 2010.

The Plaintiff's Motion for Order to Show Cause was filed November 13, 2012. The Defendants have not responded to the Motion for Order to Show Cause, and the time for responding has expired, see E.D. Tenn. L.R. 7.1(a), Fed. R. Civ. P. 6(d), 5(b)(2)(E). The Court may treat the Defendants' failure to respond during the time allowed under the rule as acquiescence to the relief sought. See E.D. Tenn. L.R. 7.2; see also Campbell v. McMinn

County, 2012 WL 369090 (E.D. Tenn. 2012) (Curtis, C.J.) (“Plaintiff’s failure to respond effectively waives any objections that he may have had on this matter.”).

Based upon the lack of opposition from the Defendants and for good cause shown, the Court finds that the Motion for Order to Show Cause [**Doc. 23**] is well-taken. It is **GRANTED**. The parties shall appear before the undersigned at **1:30 p.m. on January 7, 2013**, for a show cause hearing. At that time, the Defendants **SHALL SHOW CAUSE** why they should not be held in contempt or otherwise sanctioned under Rule 37 of the Federal Rules of Civil Procedure for violating the Court’s Default Order [Doc. 15].

The Clerk of Court **SHALL MAIL** a copy of this Memorandum and Order, via certified mail, to the Defendants at the address provided by the Plaintiff: Martin Neosel, Acorn Marketing, Inc., 47-09 188th Street, Queens, New York 11358.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge